

## COMBINED DECLARATION AND POWER OF ATTORNEY

(Original, Design, National Stage of PCT, Supplemental)

As a below named inventor, I hereby declare that:

## TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- original
- design
- supplemental
- National Stage of PCT
- divisional (see added page)
- continuation (see added page)
- continuation-in-part (see added page)

## INVENTORSHIP IDENTIFICATION

Our residences, post office addresses and citizenships are as stated below next to our names. We believe that the named inventors listed below are the original and first inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## TITLE OF INVENTION

METHOD FOR CONTROLLING AND REGULATING A TRANSMISSION BRAKE  
IN AN AUTOMATIC MOTOR VEHICLE TRANSMISSION

## SPECIFICATION IDENTIFICATION

The specification of which: (complete (a), (b) or (c))

- (a)  is attached hereto.
- (b)  was filed on \_\_\_\_\_ as  
 Serial No. \_\_\_\_\_ or  
 Express Mail No. \_\_\_\_\_ as Serial No. (not yet known) and  
was amended on \_\_\_\_\_ (if applicable).
- (c)  was described and claimed in PCT International Application  
No. PCT/EP2004/006145 filed on June 8, 2004 and as amended under  
PCT Article 19 on \_\_\_\_\_ (if any).
- (d)  amended on \_\_\_\_\_

## POWER OF ATTORNEY

As a named inventor, I hereby appoint all of the practitioners associated with the Customer No. 020210, namely, Anthony G. M. Davis, Registration No. 27,868, Gary D. Clapp, Registration No. 29,055, Michael J. Bujold, Registration No. 32,018, Scott A. Daniels, Registration No. 42,462 and Jay S. Franklin, Registration No. 54,105, as attorneys and/or agents to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection therewith.

- Attached as part of this Declaration and Power of Attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

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Send Correspondence to:

Customer No. 020210  
Davis & Bujold, P. L. L. C.  
Fourth Floor  
500 N. Commercial Street  
Manchester, NH 03101-1151

Direct Telephone Calls to: (603) 624-9220

Direct Facsimiles to: (603) 624-9229

## ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose to the United States Patent Office all information which is known to be material to patentability of this application as defined in § 1.56 of Title 37 of the Code of Federal Regulations.

### PRIORITY CLAIM

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me/us on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

#### EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NO.	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
German	103 30 517.3	July 5, 2003	<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

#### ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

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We hereby claim the benefit, under 35 U.S.C. 119(e), of any United States provisional application(s) listed below.

<u>Application Number(s)</u>	<u>Filing Date (MM/DD/YY)</u>	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
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### DECLARATION

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Volker BACHMANN

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Post Office Address: Eichenweg 1, 88097 Eriskirch, GERMANY

Residence: Same as Above Country of Citizenship: German

Full name of second joint inventor: Mario STEINBORN

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Post Office Address: Friedrichstrasse 37, 88045 Friedrichshafen, GERMANY

Residence: Same as Above Country of Citizenship: German

Full name of third joint inventor: Rudolf KALTHOFF

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Post Office Address: Doggenriedstrasse 45, 88250 Weingarten, GERMANY

Residence: Same as Above Country of Citizenship: German

Full name of fourth joint inventor: Robert Anthony SAYMAN

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Post Office Address: 12583 Lakewood Drive, Laurinburg, North Carolina 28352 U.S.A.

Residence: Same as Above Country of Citizenship: U.S.A

**IMPORTANT NOTICE RE  
DUTY OF CANDOR AND GOOD FAITH**

The Duty of Disclosure requirements of Section 1.56(a), of Title 27 of the Code of Federal Regulations, are as follows:

A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application, and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Patent Office all information they are aware of which is known to be material to patentability of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

By virtue of this regulation, each inventor executing the Declaration for the filing of a patent application acknowledges his/her duty to disclose information of which he/she is aware and which may be material to the examination of the application.

Inherent in this is the duty to disclose any knowledge or belief that the invention:

(a) was ever known or used in the United States of America before his/her invention thereof;

(b) was patented or described in any printed publication in any country before his/her invention thereof or more than one year prior to the actual filing date of the United States patent application;

(c) was in public use or on sale in the United States more than one (1) year prior to the actual filing date of the United States patent application; or

(d) has been patented or made the subject of inventor's certificate issued before the actual filing date of the United States patent application in any country foreign to the United States on an application filed by him/her or his/her legal representative(s) or assign(s) more than twelve (12) months before the actual filing date in the United States.

**NOTE:** The "Information" concerned includes, but is not limited to, all published applications and patents, including applicant(s) and assignee(s) own, United States or foreign application(s) and patent(s), as well as any other pertinent prior art known, or which becomes known, to the inventor or his/her representative(s). Where English language equivalents of foreign language documents are known, they should be identified and, when possible, copies supplied. Failure to comply with this requirement may result in a patent issued on the application being held invalid even if the known prior art which is not supplied is material to only one claim of that patent.

If there is any doubt concerning whether or not a citation is "material" to patentability of the application, it is better to err on the side of safety and disclose such art to the United States Patent Office.